IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6289 OF 2005

Shashikumar Gulzar Yadav .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.P.R.Arjunwadkar for applicant
Mr.S.S.Tatkare, A.P.P. for state.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 14th November 2005.

P.C.

. Perused the application and the documents which are placed on record. This Court had by order dated 26th September 2005 granted interim protection to the applicant subject to compliance with conditions incorporated in clause (i) to (iii) of sub-section 2 of Section 438 of the Cr.P.C. By further order, this Court directed the applicant to report to RCF Police station

from 13th October 2005 to 21st October 2005 for two hours from 6.00 p.m. to 8.00 p.m. Interim protection has been continued till today and the learned A.P.P. does not dispute that the applicant has been attending RCF Police station.

2. From a perusal of the material produced, it is clear that the applicant is a proprietor of Security agency which was engaged by M.S.E.B. for providing security guard/ gunmen at Trombay and Anik Colony, Chembur. The tender submitted by applicant was accepted and in pursuance thereof security guards/ gunmen were provided.

3. Case of the prosecution is that for a period commencing from 1st May 2002 to 26th April 2003, the applicant recovered amounts towards provision of the gunmen/security guards totally 6 in number. However, these security guards were not working at the sub-stations referred to above. Allegations are that bill has been forged

by the applicant by colluding with Deputy Executive Engineer of the Electricity Board. In this manner, the Board was cheated and the offences alleged in F.I.R. are made out.

4. The correspondence with M.S.E.B. denotes that particulars such as address and other details of these guards have been provided by the applicant. One of the gunman was found at the address provided, whereas others were not traceable.

5. In the light of the fact that documents are already recovered, this is a fit case where the applicant deserves protection, moreso, when he has been found not misusing interim protection granted from 26th September 2005. Accordingly, the following order:-

i) In the event of applicant being arrested in connection with C.R.No.I

151/2005 registered with R.C.F. Police Station Chember, he shall be enlarged on bail in the sum of Rs.15,000/- with two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend the R.C.F. Police station once a week between 5.00 p.m. and 7.00 p.m. on every Tuesday.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution

evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression or opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in the above terms.

vii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)